

From: Hurlid, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 2/12/2018 2:01:05 PM
To: Zobrist, Marcus [Zobrist.Marcus@epa.gov]
Subject: FW: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Ex. 5 Deliberative Process (DP)

From: Goodin, John
Sent: Monday, February 12, 2018 8:54 AM
To: Connors, Sandra <Connors.Sandra@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Libertz, Catherine <Libertz.Catherine@epa.gov>
Subject: Fwd: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Sent from my iPhone

Begin forwarded message:

From: Barry Rabe <brabe@umich.edu>
Date: February 10, 2018 at 10:11:09 AM EST
To: METZ Eric <eric.metz@state.or.us>
Cc: Jan Goldman-Carter <goldmancarterj@nwf.org>, "collis.adams@des.nh.gov" <collis.adams@des.nh.gov>, "valbrecht@hunton.com" <valbrecht@hunton.com>, "craig_aubrey@usfws.gov" <craig_aubrey@usfws.gov>, "tb4@azdeq.gov" <tb4@azdeq.gov>, "laureenboles@gmail.com" <laureenboles@gmail.com>, "peg.bostwick@aswm.org" <peg.bostwick@aswm.org>, "mclark@idem.in.gov" <mclark@idem.in.gov>, "Davis, Dave (DEQ)" <Dave.Davis@deq.virginia.gov>, "jpdennomie@hotmail.com" <jpdennomie@hotmail.com>, "tdriscoll@nfudc.org" <tdriscoll@nfudc.org>, "fishk@michigan.gov" <fishk@michigan.gov>, "richardgitar@fdlrez.com" <richardgitar@fdlrez.com>, "michelle.hale@alaska.gov" <michelle.hale@alaska.gov>, "william.l.james@usace.army.mil" <william.l.james@usace.army.mil>, "les.lemm@state.mn.us" <les.lemm@state.mn.us>, "Susan.Lockwood@dep.nj.gov" <Susan.Lockwood@dep.nj.gov>, "gary.setzer@maryland.gov" <gary.setzer@maryland.gov>, "szerlog.michael@epa.gov" <szerlog.michael@epa.gov>, Jeanne Christie <jeanne.christie@aswm.org>, "ross.david@epa.gov" <ross.david@epa.gov>, "goodin.john@epa.gov" <goodin.john@epa.gov>
Subject: Re: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Thanks, Jan, for sharing your perspectives on this. I was not aware of this case or any broader agency shift on assumption. Most of my work has remained focused on climate, including methane from oil and gas production, and the Clean Air Act. But what you describe in Florida would indeed seem at variance with both the spirit and letter of what our committee worked so long and hard to put into the final report.

I would be grateful for links to any analyses of these developments that you or other members of the committee might provide now or in the future. At present, I am in active discussion with colleagues at a pair of think tanks about new research

that would examine a range of cases of regulatory federalism in the current Administration. This includes several other programs with various intergovernmental waiver provisions. I had considered adding assumable waters to the mix of cases for close study and your message further compels me to do so.

Thanks again for bringing this to our attention.

Barry

On Fri, Feb 9, 2018 at 6:43 PM, METZ Eric <eric.metz@state.or.us> wrote:

Thanks Jan, for reaching out to us with your concerns. I was not aware that Florida is pursuing assumption.

Eric D. Metz, P.W.S.

Planning & Policy Manager

Aquatic Resource Management Program

Oregon Department of State Lands

503-986-5266

<http://www.oregon.gov/dsl/Pages/index.aspx>

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From: Jan Goldman-Carter [<mailto:goldmancarterj@nwf.org>]

Sent: Friday, February 9, 2018 3:37 PM

To: collis.adams@des.nh.gov; valbrecht@hunton.com; craig_aubrey@usfws.gov; tb4@azdeq.gov; laureenboles@gmail.com; peg.bostwick@aswm.org; mclark@idem.in.gov; Davis, Dave (DEQ) <Dave.Davis@deq.virginia.gov>; jpdemie@hotmail.com; tdriscoll@nfudc.org; fishk@michigan.gov; richardgitar@fdlrez.com; michelle.hale@alaska.gov; william.l.james@usace.army.mil; les.lemm@state.mn.us; Susan.Lockwood@dep.nj.gov; METZ Eric <Eric.Metz@dsl.state.or.us>; Brabe@umich.edu; gary.setzer@maryland.gov; szerlog.michael@epa.gov; Jeanne Christie <jeanne.christie@aswm.org>

Cc: ross.david@epa.gov; goodin.john@epa.gov

Subject: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Assumable Waters Subcommittee – I know our task is done, but I need to be crystal clear with all of you and particularly EPA and Corps staff and officials that NWF strongly opposes EPA's campaign to expedite 404 State Assumption in Florida and elsewhere.

I am very disturbed to learn that my very narrow support for the very limited recommendations we made with regard to assumable waters may now be being misrepresented as support of state assumption.

In fact, our limited findings were predicated upon a set of assumptions that included strong legal and policy safeguards that ensured that only legally strong, effective, well-resourced state programs would be approved, and would be approved through a transparent process subject to meaningful public input. We are strongly opposed to the process as it seems to be moving in Florida and will be opposed to any similar expedited process that may proceed in other states.

For what its worth,

Jan

Jan Goldman-Carter

Director, Wetlands and Water Resources

National Wildlife Federation

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Ex. 6 Personal Privacy (PP)

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Barry G. Rabe
J. Ira and Nicki Harris Family Professor of Public Policy
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